

C ^o CHANGE SURGICAL LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:06-CV-785-UA-WWD
)	
MEDICAL SOLUTIONS, INC.,)	
)	
Defendant.)	

Plaintiff C^o Change Surgical LLC (“C Change”), through counsel and pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.1, MDNC, respectfully requests that this Court stay the above-captioned case pending the reexaminations of U.S. Patent Nos. 6,259,067 and 6,384,380 (collectively, the “patents-in-suit”). In support of this motion, C Change states as follows:

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available at http://www.uspto.gov/patents/documents/ex_parte.pdf. In the 6,595 reexamination certificates issued by the USPTO since 1981, 4,952 reexamination certificates, or 75% of all certificates, have resulted in either cancellation of all claims of the reexamined patent or in changes to some or all claims of the reexamined patent. *Id.* at 2.

3. Stays pending reexamination of patents are common, particularly where, as in this case, the litigation remains in its early stages.

WHEREFORE, for the foregoing reasons, and for the reasons stated in the accompanying Memorandum in Support of Plaintiff's Motion to Stay Pending Reexamination of the Patents-in-Suit, C Change respectfully requests that a stay be entered pending completion of the reexaminations and related appeals.

Respectfully submitted this the 13th day of March 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March, 2009, the foregoing MOTION TO STAY PENDING REEXAMINATION OF PATENTS IN SUIT was electronically filed with the Clerk of Court using the CM/CEF System that will send notification of such filing to the following:

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and I hereby certify that I have mailed by first class mail, postage prepaid, the document to the following, who is not registered to receive Notices of Electronic Filing:

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